

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

## **MEMORANDUM AND ORDER**

This matter is before the Court on movant's motion to file a forty-page supplement to his amended motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [Doc. #5].

The Court does not accept amendments to pleadings by supplementation or by interlineation. The Court will, however, allow movant to file a second amended § 2255 motion to vacate on or before August 9, 2013. Movant is advised that his second amended motion to vacate will replace both his original and first amended motions to vacate and will be the only pleading this Court reviews. *See In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). The Court will not consider any claims that are not included in the second amended motion to vacate, even if they were asserted in the earlier motions. Movant is

reminded that he is required to submit his second amended motion to vacate on a court-provided form, and it must comply with Rule 8 of the Federal Rules of Civil Procedure (pleading should contain a “short and plain” statement of claims).

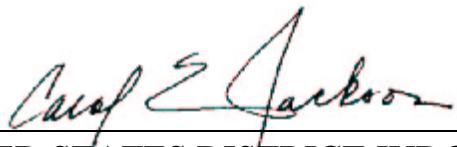
Accordingly,

**IT IS HEREBY ORDERED** that movant’s motion to supplement his amended motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [Doc. #5] is **denied**.

**IT IS FURTHER ORDERED** that movant shall have until August 9, 2013, to file a second amended motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 using a court-provided form.

**IT IS FURTHER ORDERED** that the Clerk of Court shall provide movant with the form for use in filing a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

Dated this 9th day of July, 2013.



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Carol E. Jackson  
UNITED STATES DISTRICT JUDGE